



Analysis • Planning • Solutions

September 22, 2005

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City of Arvin
200 Campus Drive
Arvin, CA 93203

Subject: City of Arvin – Recommendations to address CIWMB comments

The City of Arvin has recently reached the end of a California Integrated Waste Management Board (CIWMB) Compliance Order (CO) and Local Assistance Plan (LAP). On September 6, 2005 representatives from the CIWMB met with City and Mountainside officials to discuss the City's progress toward completing the LAP. During that meeting, CIWMB officials made negative comments in six program areas. On September 16, the City of Arvin sent an updated LAP report to the CIWMB. After reviewing the updated LAP report, the CIWMB notified the City that it was still not in full compliance and that enforcement action (fines) will be recommended at an upcoming CIWMB Board Meeting.

The City of Arvin has a franchise agreement with Mountainside Disposal for various refuse collection services. The franchise agreement requires Mountainside to assist the City with its AB-939 waste diversion goals but does not place responsibility exclusively with Mountainside. The franchise agreement anticipated and actual practice has been for the City to be responsible for achieving AB-939 goals, while receiving assistance and certain recycling services from Mountainside. Mountainside has indicated it is prepared to continue providing technical assistance whenever possible and will continue to provide recycling services. However, some of the areas of concern to the CIWMB are beyond the scope of what Mountainside can do on its own.

This letter summarizes CIWMB comments on each of the six program areas that were a concern to the CIWMB after the September 6 meeting and includes updated comments after the CIWMB reviewed the updated LAP report sent by the City on September 16. Finally, we make recommendation on steps the City of Arvin and Mountainside Disposal can take to address the CIWMB's outstanding concerns.

Roland Consulting believes implementation of these recommendations may demonstrate a good faith effort to address CIWMB comments and that full implementation prior to the CIWMB Board Meeting in November may reduce or forestall any fines the CIWMB may impose upon the City of Arvin. **However, Roland Consulting does not control the CIWMB. Roland Consulting, Inc. does not guarantee, warrant or imply that implementation of these recommendations will reduce or forestall fines or any other enforcement action the CIWMB may impose. Roland Consulting, Inc. is not under any circumstances responsible for any action the CIWMB may take in connection with the City of Arvin's CO or LAP. In addition, Roland Consulting does not warrant, guarantee or imply that implementation of these recommendations will protect Mountainside Disposal from any action the City of Arvin may take against Mountainside.**

It is also very important for all parties to understand that any statements in this report regarding the "Responsible Agency" refer observations made by Roland Consulting regarding agreements between the City of Arvin and Mountainside Disposal. These statements and observations do not in any way change the relationship between the City of Arvin and the CIWMB, which is defined by regulation.

Program 1: C&D Ordinance Enforcement

CIWMB Comments After September 6 Meeting - Although the City drafted and adopted a Construction and Demolition Debris Recycling Ordinance, as required by the LAP, Board staff learned that the City does not enforce the ordinance nor does it have information as to tonnages diverted. Although the City believes that much of the C&D is being diverted (due to economics), it was unaware as to whether this is actually occurring. In addition, the City has conducted minimal education/outreach with its contractors as to the requirements of the ordinance (the City met once with the three area contractors and gave them a copy of the ordinance.) As a result of the September 6 meeting, Board staff are requesting the following additional information be provided by the City by September 16, 2005: contractor's waste tonnages of waste disposed and waste diverted (if available) since the ordinance went into affect; information on how the City plans to begin enforcing the ordinance; and, what outreach the City plans to do to inform haulers of the enforcement of this ordinance.

CIWMB Comments After Reviewing Updated LAP Report - The updated LAP provided to the CIWMB on September 16 was not adequate. This is still a major concern and all of the previous comments still apply. Also, staff has indicated they need to see copies of the recycling plans that were submitted to the City by the various contractors, as required by the C&D ordinance.

Responsible Agency - Responsibility for enforcing the C&D ordinance rests with City staff. Mountainside cannot enforce the City's ordinance. Mountainside can provide services to support the City's C&D recycling ordinance as recommended below.

Recommended Action by the City -

1. Train Building Inspection staff about the ordinance and require them to enforce it
 - a) Require staff to sign a sheet showing the date and time of training
 - b) Require staff to sign a sheet indicating they understand their responsibilities
2. Hold an informational meeting for contractors
 - a) Send an invitation letter, a copy of the C&D ordinance and a copy of the recycling guide to all contractors that have worked in the City of Arvin in the last 12 months
 - b) Have a sign in sheet at the meeting to document attendance
3. Provide a copy of the C&D ordinance to everyone that obtains a building permit at the City
4. Prepare or obtain a C&D recycling guide to tell contractors how to recycle C&D in the Arvin area and provide a copy to everyone that obtains a building permit at the City
5. Require people that obtain building permits to sign a sheet indicating they received a copy of the ordinance and a copy of the C&D recycling guide
6. Require building and demolition contractors to submit a recycling plan and evidence of tons diverted, as required by the ordinance
 - a) Maintain a file of recycling plans submitted
 - b) Before final inspection is granted on building or demolition permits, permit holders must provide proof that they have complied with the C & D recycling requirements (Receipts of C & D recycling service from Mountainside or local recycling centers. These receipts must coordinate with the dates of their construction/demolition and type of recyclable materials generally produced by that construction/demolition).
 - c) Maintain a file of all C&D reports received from contractors
7. Develop a report that shows the number of tons of C&D generated by contractors in Arvin and the number of tons diverted

8. Provide copies of all above documentation to the CIWMB

Recommended Action by Mountainside –

1. Provide a C&D recycling guide for use by the City
2. Negotiate with Metropolitan Recycling Center (MRC) to accept and recycle mixed C&D Mountainside hauls from the City of Arvin
3. Continue to provide C&D collection and hauling services as requested
4. Continue to provide C&D tonnage reports for C&D hauled by Mountainside

Program 4: Waste Assessments

CIWMB Comments After September 6 Meeting - Although the City states that most of the businesses within the City have received waste assessments, Board staff has been unable to obtain the list/waste assessment results for those businesses. Board staff is also aware that some of the top generating businesses in the City (Salter Laboratories and Grimmway Farms) have not yet received waste assessments. Board staff learned that to date, these assessments have still not been completed despite the City's assurance that these would be completed by the end of the CO time frame. In addition, the City has been unable to provide Board staff with program participation/implementation technical assistance provided to those businesses that were assessed.

CIWMB Comments After Reviewing Updated LAP Report – The updated LAP report provided to the CIWMB on September 16 was not adequate. This is still a major concern and all of the previous CIWMB comments still apply.

Responsible Agency – Responsibility for conducting waste assessments has been with the City of Arvin. The City states that its recycling coordinator performed waste assessments on several businesses. When the recycling coordinator left the City work on the waste assessments stopped, the City did not provide notice to Mountainside that it should take over responsibility for the assessments and Mountainside Disposal did not take responsibility for completing the waste assessments.

Mountainside has the expertise to complete the waste assessments and provide needed technical support to businesses on an on-going basis. Mountainside has verbally agreed to complete this work.

Recommended Action by the City –

1. Send Mountainside a notice that the City expects Mountainside to complete the waste assessments the City did not complete
2. Provide Mountainside and the CIWMB with a list of all waste assessments completed by its recycling coordinator and copies of any documentation
3. Send a letter to large volume waste generators to inform them of the following:
 - a) State mandates require cities to divert 50%
 - b) Cooperation of the large volume waste generators is important to help the City achieve this goal
 - c) Large volume waste generators can often save money by reducing waste and recycling
 - d) They will be contacted by the City of Arvin's agent (Mountainside) to perform a waste assessment and recommend recycling programs

4. The large volume generators that should receive this letter include:
 - a) Grimmway
 - b) Salter Labs
 - c) Ranch Market
 - d) Arvin High School
 - e) Haven Drive Middle School
 - f) Bear Mountain Elementary School
 - g) Sierra Vista Elementary School

Recommended Action by Mountainside –

1. Review existing waste assessment information
2. Conduct a waste assessment at the largest waste generators in Arvin:
 - a) Grimmway
 - b) Salter Labs
 - c) Ranch Market
 - d) Arvin High School
 - e) Haven Drive Middle School
 - f) Bear Mountain Elementary School
 - g) Sierra Vista Elementary
3. Document that the waste assessments were completed or, if the waste generator did not cooperate, document their lack of cooperation
4. Recommend recycling/diversion programs for each large volume waste generator where a waste assessment was completed.
5. Document that the recycling/diversion programs were offered and report on new recycling/diversion programs that have been implemented
6. Provide copies of documentation and a report to the City and the CIWMB

Program 5: Large Generator Recycling Programs

CIWMB Comments After September 6 Meeting – Board staff learned that two of the businesses (larger generators) within the City currently do not have recyclable materials collection (Grimmway and Salter). The City believes that the majority of the businesses containing the majority of the waste stream do have recycling service and the hauler has indicated it plans to fully implement recycling at these businesses pending specific action by the City Council.

CIWMB Comments After Reviewing Updated LAP Report – The updated LAP report provided to the CIWMB on September 16 was not adequate. The City still needs to provide evidence that large waste generators have been offered recycling programs.

Responsible Agency – Mountainside has the expertise to offer waste diversions/recycling programs to large volume generators as may be indicated by waste assessments. Mountainside has verbally agreed to complete this work.

Recommended Action by the City –

1. Approve a mandatory commercial waste recycling ordinance

2. Notify affected businesses

Recommended Action by Mountainside –

1. Provide recycling services to all businesses subject to the new ordinance
2. Document the businesses that started new recycling diversion programs after the ordinance has taken effect and report to the City and the CIWMB

Program 6: Commercial Greenwaste

CIWMB Comments After September 6 Meeting - The City requested to amend the LAP and proposed an alternative Commercial Greenwaste Collection Program to the LAP, which was approved by Board staff. The terms of agreement were that the City would provide the following specific information, which has not been provided to date. The City indicated it would try to provide the information by September 9, 2005. Board staff would like to have this information by September 16, 2005 at the latest:

1. Names of businesses, including schools and City offices, within Arvin that generate greenwaste;
2. For each of the above business, provide the name and final destination of the greenwaste, or name of the landscape service and final destination;
3. Verification that those businesses without landscapers have been offered the same greenwaste service as residents; and,
4. Examples of outreach in the form of mailers letting all the businesses know how important greenwaste recycling is to the City.

CIWMB Comments After Reviewing Updated LAP Report – The updated LAP report provided to the CIWMB on September 16 was not adequate. Previous comments still apply.

Responsible Agency – The franchise agreement requires Mountainside to provide greenwaste collection and recycling to any business that requests the service.

Recommended Action by the City –

1. Provide Mountainside with a list of all gardeners and landscapers licensed to do business in the City of Arvin.

Recommended Action by Mountainside –

1. Provide evidence that refuse containers are labeled "No Greenwaste"
2. Send a notice to all of Mountainside's commercial customers to include the following:
 - a) State mandates require cities divert 50%
 - b) Cooperation of the greenwaste generators is important to help the City achieve this goal
 - c) Greenwaste recycling is easy and may save money by reducing waste hauling costs
 - d) For businesses that use a gardener or landscaper:
 - i) Greenwaste recycling facilities are available at Mt. Vernon and Bena Landfill
 - ii) Please ensure their gardeners or landscapers use these facilities
3. Send the above notice to every gardener or landscaper on the list provided by the City
4. Provide a report of the above activities to the City and the CIWMB

Program 8: Recycled Content Procurement Policy

CIWMB Comments After September 6 Meeting - Although the City has adopted a procurement policy, Board staff was unable to confirm that the City regularly purchases recycled-content products. Board staff was only able to identify that the City purchases 10% recycled-content paper and 100% recycled-content binding combs. City staff have agreed to provide purchase receipts for the past six months and indicated they would try to provide them by September 9, 2005. Board staff would like to have this information by September 16, 2005 at the latest.

CIWMB Comments After Reviewing Updated LAP Report - The City has complied with this requirement and it will not be noted in recommended enforcement action. However, this is an ongoing concern for CIWMB staff and the City should take additional action to maintain compliance in the future.

Responsible Agency - Responsibility for enforcing and tracking performance of the City of Arvin's recycled content procurement policy rests with City staff. Mountainside has no control over the City's procurement process. However, Mountainside has and will continue to make suggestions on items the City can purchase that may help the City meet the CIWMB requirements.

Recommended Action by the City -

1. Train all City staff about the City's recycled content procurement policy and require them to follow it
 - a) Hold a training meeting for all City employees that make purchasing decisions
 - b) Provide a copy of the procurement policy to every City employee that receives training
 - c) Obtain a recycled content purchasing guide to help City employees make purchasing decisions and provide a copy to every City employee that receives training
 - d) Require staff to sign a sheet indicating the date and time they received training, that they received copies of the policy and purchasing guide and that they understand their responsibilities
2. Purchase items that have recycled content and document those purchases. Maintain a file of all purchases that meet the recycled content requirement.
3. Provide copies of all above documentation to the CIWMB

Recommended Action by Mountainside -

1. Continue to suggest items the City can purchase to help meet this requirement.
2. Make suggestions in writing.

Program 9: Late LAP Status Report

CIWMB Comments After September 6 Meeting - The City has been consistently late in submitting quarterly LAP status updates. To date, the City has not yet submitted its final program implementation status update, which was due August 15, 2005. Board staff is requesting this be submitted by September 16, 2005.

CIWMB Comments After Reviewing Updated LAP Report - The September 16 LAP report satisfied this requirement. However, staff still had follow questions to clarify certain areas. Staff would like future reports to include more detailed information in a more consistent format.

Responsible Agency - Primary responsibility for submitting the LAP status report is with the City of Arvin. Mountainside can only provide some supporting information such as tonnage reports and status updates on tasks that have been assigned to Mountainside.

Special Board Meeting
November 8, 2005

City of Arvin - Recommendations to address CIWMB comments

Agenda Item 1
Attachment 4

Recommended Action by the City –

1. Complete all future reports on time

Recommended Action by Mountainside –

1. Continue to provide timely documentation of Mountainside activities as they relate to the City of Arvin

Please call if you have any questions.

Sincerely,



Roland B. Burkert
President